

1 David J. Burman (admitted *pro hac vice*)
2 Cori G. Moore (admitted *pro hac vice*)
3 Eric J. Weiss (admitted *pro hac vice*)
Nicholas H. Hesterberg (admitted *pro hac vice*)
Steven D. Merriman (admitted *pro hac vice*)
PERKINS COIE LLP
4 1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
5 Telephone: 206.359.8000
Facsimile: 206.359.9000

6 Joren Bass, State Bar No. 208143
7 JBass@perkinscoie.com
8 **PERKINS COIE LLP**
9 Four Embarcadero Center, Suite 2400
San Francisco, CA 94111-4131
Telephone: 415.344.7120
Facsimile: 415.344.7320

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11 *Attorneys for Plaintiff
Costco Wholesale Corporation*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

16
17 IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 3:07-cv-05944-SC
MDL NO. 1917

18 || This Document Relates to:

Individual Case No.: 3:11-CV-06397-SC

Case No. 3:11-06397-SC

**STIPULATION AND [PROPOSED]
ORDER REGARDING DISMISSAL O
COSTCO'S STATE LAW CLAIMS
AGAINST SAMSUNG SDI**

COSTCO WHOLESALE CORPORATION

Plaintiff,

v.

HITACHI LTD., et al.,

Defendants.

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STIPULATION AND [PROPOSED] ORDER REGARDING DISMISSAL
OF COSTCO'S STATE LAW CLAIMS AGAINST SAMSUNG SDI
Case No. 3:07-cv-05944-SC

1 WHEREAS, on November 14, 2011, Costco Wholesale Corporation (“Costco”) filed a
 2 Complaint and Jury Demand in the United States District Court for the Western District of
 3 Washington, *Costco Wholesale Corp. v. Hitachi, Ltd.*, Case No. 2:11-cv-01909-RSM, alleging
 4 violations of Section 1 of the Sherman Act (15 U.S.C. § 1), the California Cartwright Act (Cal.
 5 Bus. & Prof. Code § 16700 *et seq.*), the Washington Consumer Protection Act (RCW 19.86.030),
 6 the Arizona Antitrust Act (Ariz. Rev. Stat. § 14-1401 *et seq.*), the Florida Deceptive and Unfair
 7 Trade Practices Act (Florida Stat. § 501.201 *et seq.*), and the Illinois Antitrust Act (740 Illinois
 8 Code 10/1 *et seq.*);

9 WHEREAS, on November 28, 2011, the Judicial Panel on Multidistrict Litigation issued a
 10 conditional transfer order pursuant to 28 U.S.C. § 1407, transferring the Costco action to the
 11 Northern District of California, to be consolidated with MDL No. 1917, *In re Cathode Ray Tube*
 12 (*CRT*) *Antitrust Litigation*, No. 07-cv-5944-SC (the “MDL”);

13 WHEREAS, the Costco Action was transferred to the Northern District of California;

14 WHEREAS, on August 17, 2012, various defendants filed a joint Motion to Dismiss and
 15 for Judgment on the Pleadings as to Certain Direct Action Plaintiffs’ Claims, including Costco’s,
 16 on various grounds (Dkt. No. 1317);

17 WHEREAS, on March 26, 2013, Direct Action Plaintiffs filed a Motion for Leave to File
 18 Amended Complaints, which included a request by Costco to amend its complaint to add
 19 Samsung SDI America, Inc., Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn. Bhd.,
 20 Samsung SDI Mexico S.A de C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co., Ltd.,
 21 and Tianjin Samsung SDI Co., Ltd. (collectively “SDI”) as defendants (Dkt. No. 1609);

22 WHEREAS, on August 21, 2013, the Court issued an order adopting the Special Master’s
 23 recommendation that Costco’s claim under Washington state law be dismissed without leave to
 24 amend (Dkt. No. 1856);

25 WHEREAS, on September 26, 2013, the Court issued an order adopting the Interim
 26 Special Master’s recommendation that Costco be allowed to amend its complaint to add SDI as a
 27 defendant (Dkt. No. 1959);

1 WHEREAS, on October 3, 2013, Costco filed a First Amended Complaint in the Northern
2 District of California, *Costco Wholesale Corporation v. Hitachi, Ltd.*, Case No. 3:11-cv-06397,
3 Master File No. 3:07-cv-05944-SC (Dkt. No. 1982), naming SDI as a defendant;

4 WHEREAS, on November 4, 2013, SDI filed a Motion to Dismiss Costco's claims under
5 the California Cartwright Act, the Arizona Antitrust Act, the Florida Deceptive and Unfair Trade
6 Practices Act, and the Illinois Antitrust Act (Dkt. No. 2171);

7 NOW, THEREFORE, COSTCO AND SDI, BY AND THROUGH THEIR RESPECTIVE
8 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

9 1. Costco's claims against SDI under the California Cartwright Act, the Arizona
10 Antitrust Act, the Florida Deceptive and Unfair Trade Practices Act, and the Illinois Antitrust Act
11 are dismissed with prejudice;

12 2. SDI's Motion to Dismiss Costco's state-law claims is withdrawn as moot;

13 3. This stipulation and the Court's order thereon shall have no bearing on Costco's
14 Sherman Act claim against SDI;

15 4. SDI's answer to Costco's First Amended Complaint shall be due on the first
16 business day thirty (30) days after the Court enters this stipulation as an order; and

17 5. The undersigned parties jointly and respectfully request that the Court enter this
18 stipulation as an order.

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1 Dated: November 13, 2013

2 By: /s/ David J. Burman
3 David J. Burman (admitted *pro hac vice*)
4 Cori G. Moore (admitted *pro hac vice*)
5 Eric J. Weiss (admitted *pro hac vice*)
6 Nicholas H. Hesterberg (admitted *pro hac vice*)
7 Steven D. Merriman (admitted *pro hac vice*)
PERKINS COIE LLP
8 1201 Third Avenue, Suite 4900
9 Seattle, WA 98101-3099
10 Telephone: 206.359.8000
11 Facsimile: 206.359.9000

12 Joren Bass, State Bar No. 208143
13 JBass@perkinscoie.com

14 **PERKINS COIE LLP**
15 Four Embarcadero Center, Suite 2400
16 San Francisco, CA 94111-4131
17 Telephone: 415.344.7120
18 Facsimile: 415.344.7320

19 *Attorneys for Plaintiff Costco Wholesale Corporation*

20 By: /s/ Tyler M. Cunningham
21 GARY L. HALLING (66087)
22 Email: ghalling@sheppardmullin.com
23 JAMES L. McGINNIS (95788)
24 Email: jmcmcinnis@sheppardmullin.com
25 MICHAEL W. SCARBOROUGH (203524)
26 Email: mscarborough@sheppardmullin.com
27 TYLER M. CUNNINGHAM (243694)
28 Email: tcunningham@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
29 Four Embarcadero Center, 17th Floor
30 San Francisco, California 94111-4109
31 Telephone: (415) 434-9100
32 Facsimile: (415) 434-3947

33 *Attorneys for Defendants Samsung SDI America, Inc., Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn. Bhd., Samsung SDI Mexico S.A. de C.V., Samsung SDI Brasil Ltda., Shenzen Samsung SDI Co. Ltd. and Tianjin Samsung SDI Co., Ltd.*

1 Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this
2 document has been obtained from each of the above signatories.

3 Dated: November 13, 2013
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5 By: /s/ David J. Burman
6 David J. Burman
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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3 DATED: _____

4 Hon. Samuel A. Conti
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10 Hon. Samuel A. Conti
11 United States District Judge

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